

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

SEVENTY-FIFTH LEGISLATIVE DAY
FRIDAY, MARCH 26, 2010

Senate Chamber

President Little called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Malepeai, absent and formally excused by the Chair; and Senators Cameron and Lodge, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Rachael Anderson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 25, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Cameron and Lodge were recorded present at this order of business.

March 26, 2010

The JUDICIARY AND RULES Committee reports that [S 1444](#) and [SCR 127](#) have been correctly printed.

DARRINGTON, Chairman

[S 1444](#) was referred to the Finance Committee.

[SCR 127](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 25, 2010

The JUDICIARY AND RULES Committee reports that [S 1354](#), as amended in the House, and [S 1376](#), as amended in the House, have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1354](#), as amended in the House, and [S 1376](#), as amended in the House, and ordered them transmitted to the House for the signature of the Speaker.

March 25, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1248](#), [S 1250](#), [S 1251](#), [S 1312](#), [S 1323](#), [S 1324](#), [S 1325](#), [S 1366](#), as amended, [S 1370](#), [S 1402](#), [S 1404](#), [S 1405](#), and [S 1406](#) were delivered to the Office of the Governor at 2:20 p.m., March 25, 2010.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 26, 2010

The STATE AFFAIRS Committee reports out [H 684](#) and [HCR 48](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 684](#) was filed for second reading.

[HCR 48](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 26, 2010

The FINANCE Committee reports out [H 704](#), [H 705](#), [H 710](#), [H 711](#), [H 712](#), and [H 713](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 704](#), [H 705](#), [H 710](#), [H 711](#), [H 712](#), and [H 713](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 25, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1286](#), [S 1328](#), [S 1339](#), [S 1342](#), [S 1371](#), and
[S 1379](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 25, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1313](#), [S 1314](#), [S 1321](#), and [S 1355](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 25, 2010

Dear Mr. President:

I return herewith [S 1412](#), [S 1413](#), [S 1415](#), [S 1416](#), and [S 1418](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1412](#), [S 1413](#), [S 1415](#), [S 1416](#), and [S 1418](#) were referred to the Judiciary and Rules Committee for enrolling.

March 26, 2010

Dear Mr. President:

I transmit herewith [H 714](#), [H 715](#), [H 716](#), [H 717](#), [H 721](#), [H 722](#), [H 723](#), [H 724](#), [H 725](#), [H 726](#), and [H 727](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 714](#), [H 715](#), [H 716](#), [H 717](#), [H 721](#), [H 722](#), [H 723](#), [H 724](#), [H 725](#), [H 726](#), and [H 727](#) were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1445

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING AND TRANSFERRING FUNDS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING AND TRANSFERRING FUNDS FROM THE BUDGET STABILIZATION FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING AND TRANSFERRING FUNDS FROM THE CONSUMER PROTECTION FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING AND TRANSFERRING FUNDS FROM THE CLEANWATER REVOLVING (SCC) FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING AND TRANSFERRING FUNDS FROM THE RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING AND TRANSFERRING FUNDS FROM THE BUDGET STABILIZATION FUND TO THE GENERAL FUND IN FISCAL YEAR 2011; APPROPRIATING AND TRANSFERRING FUNDS FROM THE ECONOMIC

RECOVERY RESERVE FUND TO THE GENERAL FUND IN FISCAL YEAR 2011; DECLARING LEGISLATIVE INTENT TO PROVIDE THE GOVERNOR ACCESS TO RESERVE AND DEDICATED FUNDS TO BALANCE THE FISCAL YEAR 2010 BUDGET; APPROPRIATING AND TRANSFERRING FUNDS FROM THE BUDGET STABILIZATION FUND TO THE GENERAL FUND FOR FISCAL YEAR 2010 IF REVENUES DO NOT MEET TARGETS; APPROPRIATING AND TRANSFERRING FUNDS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE GENERAL FUND FOR FISCAL YEAR 2010 IF REVENUES DO NOT MEET TARGETS; APPROPRIATING AND TRANSFERRING FUNDS FROM THE PERMANENT BUILDING FUND TO THE GENERAL FUND FOR FISCAL YEAR 2010 IF REVENUES DO NOT MEET TARGETS; AND DECLARING AN EMERGENCY.

[S 1445](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 714](#), [H 715](#), [H 716](#), [H 717](#), [H 721](#), [H 722](#), [H 723](#), [H 724](#), [H 725](#), and [H 726](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 727](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Education Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1440](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Andreason, Hill, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared [S 1440](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1441](#) was placed before the Senate for final consideration at this time.

[S 1441](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee,

McKague, McKenzie, Mortimer, Pearce, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 28.

NAYS–None.

Absent and excused–Andreason, Bair, Brackett, Davis, Geddes, Malepeai, Siddoway. Total - 7.

Total - 35.

Whereupon the President declared [S 1441](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1439](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 30.

NAYS–None.

Absent and excused–Bair, Brackett, Geddes, Malepeai, Siddoway. Total - 5.

Total - 35.

Whereupon the President declared [S 1439](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 26, 2010

The STATE AFFAIRS Committee reports out [H 631](#), as amended, [H 692](#), as amended, and [HCR 64](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 631](#), as amended, and [H 692](#), as amended, were filed for second reading.

[HCR 64](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 26, 2010

The HEALTH AND WELFARE Committee reports out [H 681](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [H 681](#) was referred to the Fourteenth Order of Business, General Calendar.

March 26, 2010

The HEALTH AND WELFARE Committee reports out [H 667](#), as amended, with the recommendation that it do pass.

LODGE, Chairman

[H 667](#), as amended, was filed for second reading.

March 26, 2010

The HEALTH AND WELFARE Committee reports out [H 676](#), as amended, with the recommendation that it do pass.

LODGE, Chairman

[H 676](#), as amended, was filed for second reading.

March 26, 2010

The HEALTH AND WELFARE Committee reports that it has had under consideration the House amendments to [S 1335](#), as amended in the House, and recommends that the Senate concur in the House amendments.

LODGE, Chairman

[S 1335](#), as amended in the House, and the Health and Welfare Committee report were referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Stegner, granted by unanimous consent, [S 1436](#) retained its place on the Third Reading Calendar.

The President announced that Senator LeFavour requested and received an excused absence for for the remainder of this legislative day.

[S 1437](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKenzie, Mortimer, Pearce, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 28.

NAYS–None.

Absent and excused–Bair, Brackett, Geddes, LeFavour, Malepeai, McKague, Siddoway. Total - 7.

Total - 35.

Whereupon the President declared [S 1437](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1438](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senator Darrington.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senators LeFavour and Malepeai, absent and formally excused by the Chair; and President Pro Tempore Geddes and Senators Brackett and Davis, absent.

The President directed the Sergeant at Arms to find and present President Pro Tempore Geddes and Senators Brackett and Davis to the Senate.

President Pro Tempore Geddes and Senators Brackett and Davis were recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall **S 1438** pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared **S 1438** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **S 1436** was placed before the Senate for final consideration at this time.

S 1436, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Cameron, granted by unanimous consent, the following typographical correction was made to **S 1436**, pursuant to Senate Rule 9(F):

On page 3, line 6, of the bill delete "June 30, 2010" and insert: "June 30, 2011".

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 29.

NAYS—Bock, Kelly, Werk. Total - 3.

Absent and excused—Geddes, LeFavour, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared **S 1436** passed, title was approved, and the bill ordered transmitted to the House.

S 1442 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie,

Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared **S 1442** passed, title was approved, and the bill ordered transmitted to the House.

S 1443 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared **S 1443** passed, title was approved, and the bill ordered transmitted to the House.

President Little called President Pro Tempore Geddes to the Chair.

H 653 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 653** passed, title was approved, and the bill ordered returned to the House.

H 645, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 645](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 691](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 30.

NAYS—Bock, Werk. Total - 2.

Absent and excused—LeFavour, Malepeai, Stennett (Stennett). Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [H 691](#) passed, title was approved, and the bill ordered returned to the House.

[H 640](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 640](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 697](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 29.

NAYS—Kelly, Werk. Total - 2.

Absent and excused—Andreason, LeFavour, Malepeai, Stennett (Stennett). Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared [H 697](#) passed, title was approved, and the bill ordered returned to the House.

[H 698](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Werk, Winder. Total - 28.

NAYS—Hill, McKague, Pearce, Stegner. Total - 4.

Absent and excused—LeFavour, Malepeai, Stennett (Stennett). Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [H 698](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 12:10 p.m. until the hour of 1:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators LeFavour and Malepeai, absent and formally excused by the Chair; and Senator Pearce, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions, and Memorials.

SJM 106 BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Tenth Amendment to the United States Constitution states that, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, the states primarily regulate today's health insurance market and provide aggressive oversight of all aspects of this market and enforce consumer protection as well as ensure a local, responsive presence for consumers; and

WHEREAS, states like Idaho are working hard to create public-private health care partnerships and facilitate local solutions; and

WHEREAS, the Congress of the United States has passed legislation that will impose restrictions on the states' ability to regulate health plans and will require citizens to acquire health care insurance coverage; and

WHEREAS, the creation of a new federal system of regulation for health insurance would be inefficient, unnecessary, not cost-effective and an additional burden on states; and

WHEREAS, the legislation passed by the Congress will impose a legacy of untold debt on our children and grandchildren; and

WHEREAS, it is in the interest of the citizens of the State of Idaho to have an amendment to the Constitution of the United States prohibiting the Congress from making any law that would require citizens to enroll in, participate in or secure health care insurance and that would penalize any citizen who declines to purchase or participate in any health care insurance program.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Legislature urges Congress to take action forthwith to amend the United States Constitution by adding a Twenty-eighth Amendment as follows:

The Congress shall make no law requiring citizens of the United States to enroll in, participate in or secure health care insurance or to penalize any citizen who declines to purchase or participate in any health care insurance program.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States and the presiding officers of both houses of the Legislature of each of our sister states in the Union.

SJM 106 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 26, 2010

The JUDICIARY AND RULES Committee reports that S 1445 has been correctly printed.

DARRINGTON, Chairman

S 1445 was referred to the Finance Committee.

March 26, 2010

The JUDICIARY AND RULES Committee reports that S 1412, S 1413, S 1415, S 1416, and S 1418 have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled S 1412, S 1413, S 1415, S 1416, and S 1418 and ordered them transmitted to the House for the signature of the Speaker.

March 26, 2010

The FINANCE Committee reports out S 1444 with the recommendation that it do pass.

CAMERON, Chairman

S 1444 was filed for second reading.

March 26, 2010

The FINANCE Committee reports out H 726 with the recommendation that it do pass.

CAMERON, Chairman

H 726 was filed for second reading.

March 26, 2010

The FINANCE Committee reports out H 714, H 715, H 716, H 717, H 721, H 722, H 723, H 724, and H 725 with the recommendation that they do pass.

CAMERON, Chairman

H 714, H 715, H 716, H 717, H 721, H 722, H 723, H 724, and H 725 were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Health and Welfare Committee report and the House amendments to S 1335, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to S 1335, as amended in the House?"

On request by Senator Lodge, granted by unanimous consent, the Senate adopted the committee report and the House amendments to S 1335, as amended in the House.

S 1335, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 684, by State Affairs Committee, was read the second time at length and filed for third reading.

H 704, H 705, H 710, H 711, H 712, and H 713, by Appropriations Committee, were read the second time at length and filed for third reading.

H 631, as amended, and H 692, as amended, by State Affairs Committee, were read the second time at length and filed for third reading.

H 667, as amended, by Ways and Means Committee, was read the second time at length and filed for third reading.

H 676, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [H 688](#) and [H 675](#) retained their place on the Third Reading Calendar for one legislative day.

[H 701](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Acting Senator Kerby disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Malepeai, Schroeder, Stennett (Stennett), Werk. Total - 8.

Paired and voting included in roll call:

AYE - McGee	NAY - LeFavour
AYE - Goedde	NAY - Malepeai

Total - 35.

Whereupon the President declared [H 701](#) passed, title was approved, and the bill ordered returned to the House.

[H 702](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Acting Senator Kerby disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, Schroeder, Stennett (Stennett), Werk. Total - 6.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 702](#) passed, title was approved, and the bill ordered returned to the House.

[H 703](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie,

Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 703](#) passed, title was approved, and the bill ordered returned to the House.

[H 615](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stennett (Stennett), Werk, Winder. Total - 28.

NAYS—Coiner, Corder, Heinrich, McKenzie, Stegner. Total - 5.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 615](#) passed, title was approved, and the bill ordered returned to the House.

[H 665](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Kerby arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 665](#), as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 3:05 p.m. until the hour of 10 a.m., Monday, March 29, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary